

REMARKS

Reconsideration of the instant application is requested in view of the foregoing amendments and the following remarks. Claims 1-10 are pending in the application with claims 1, 4, 5, and 9 having been amended herein. The Examiner is thanked for indicating that claims 4 and 5 contain allowable subject matter.

Claims 1-10 having been rejected under 35 U.S.C. § 112, second paragraph. In response, independent claims 1, 4, 5, and 9 have been amended to clarify certain aspect of the invention. It is submitted that in view of the amended language the Examiner's concerns regarding where "trouble" occurs have been addressed, specifically each of these claims have been amended to indicate that the "trouble" occurs in the higher speed transmission lines. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1-3 and 8 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Published Patent Application No. 2002/13835 to Lauder et al. in view of U.S. Patent No. 6,587,974 to Majd. Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as unpatentable Lauder, in view of Majd, and in further view of U.S. Published Patent Application No. 2003/35411 to Moy et al. And claims 9 and 10 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Lauder in view of Majd and Moy and in further view of U.S. Patent No. 6,061,335 to De Vito.

As best understood, Lauder teaches a network hub structure for connecting WDM network supporting a first bit rate to another network supporting a second bit rate that is generally a multiple (n) of the first bit rate. However, it is respectfully submitted that the relied upon portions of Lauder do not teach or suggest a control unit transmitting switching information only via the higher speed transmission lines and at least one higher speed input unit when trouble

occurs in the higher speed transmission lines shared by the plurality of networks. This shortcoming is not addressed by the relied upon portions of the other cited references.

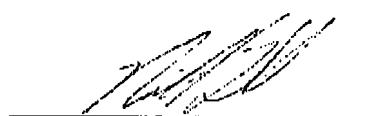
Further, though Majd appears to be directed to a message transmission method using two different transmission lines (15, 13), it does not appear that the relied upon portions teach a control unit transmitting switching information as recited in amended claims 1 and 9. Thus claims 1 and 9 also distinguishes over the relied upon portions of the cited references for this reason.

Accordingly, it is submitted that independent claims 1 and 9 patentably distinguish over the relied upon portions of the cited references and are allowable. Claims 2-3, and 6-8 and 10, which depend from one of these allowable base claims are allowable therewith. For at least the foregoing reasons it is respectfully requested the rejections be withdrawn and the claims allowed.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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